

REMARKS

Claims 2-6 and 10-32 are pending in the application and are under consideration. The Office Action of November 4, 2003, has been carefully considered. Applicant appreciates the Examiners indication that Claims 12-14, 19 and 20 are allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim. In addition, Applicant appreciates the Examiner's indication that Claims 2-6 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph. Applicant requests that the Examiner consider the above amendments and the following remarks, and pass the application to allowance.

RESPONSE TO OFFICE ACTION:

Claim Rejection - 35 U.S.C. §112:

Claims 2-6 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the phrase "the linkage assembly" in Claim 2, line 6 lacks antecedent basis. Claims 3-6 are dependent directly or indirectly from Claim 2 and were rejected under the second paragraph of 35 U.S.C. §112.

Claim 2 has been amended to provide antecedent basis for the phrase "the linkage assembly." Accordingly, Claims 2-6 should be allowable.

Claim Rejection - 35 U.S.C. §102:

Claims 1, 10, 11, 15-18, 21, 23, 25-30 and 32 were rejected under 35 U.S.C. §102(b) as being anticipated by Lee, et al, U.S. Patent No. 5,415,519.

Lee relates to an apparatus that receives and vertically stacks and directionally collates computer disks. Retractable wedge-shaped finger members support the diskettes into a bin opening located at the bottom of the vertical stacking bin.

Claim 1 has been canceled without prejudice or disclaimer of the subject matter contained therein.

Claim 10 has been amended to recite a memory storage disk handling system including a housing defining a hopper for receiving disks; an elevator pin mounted on the housing for lifting disks into the hopper; and the hopper being configured for aligning lifted disks into a stack and includes at least one pawl for holding lifted disks in the hopper, wherein the hopper includes a plurality of posts oriented to surround lifted disks, at least one pawl mounts on each post. (Emphasis added).

Since Lee does not teach or suggest a hopper having a plurality of posts oriented to surround lifted disks, and wherein at least one pawl mounts on each post, Claim 10 should be allowable. Claims 11, 15 and 16 are dependent from Claim 10 and should be allowable.

Claim 17 has been amended to recite a memory storage disk handling system, comprising: a housing defining a hopper for holding disks; an elevator pin mounted on the housing for lifting disks into the hopper; a servo motor attached to the housing; a linkage assembly attached between the servo motor and the elevator pin for lifting the elevator pin in response to the servo motor; and the hopper defines a base and includes a stack retainer means extending from the base for aligning disks in a vertical stack, the stack retainer means includes more than one pawl for holding lifted disks, wherein the hopper includes a plurality of posts oriented to surround lifted disks, at least one pawl mounts on each of the plurality of posts. (Emphasis added).

As set forth above, since Lee does not teach or suggest a hopper having a plurality of posts oriented to surround lifted disks, and wherein at least one pawl mounts on each post, Claim 17 should be allowable. Claim 18 is dependent from Claim 17 and should be allowable.

Claim 21 as amended recites a memory storage disk handling system including: a housing; an elevator pin mounted on the housing, wherein the elevator pin presses a single disk into a stack of disks; a servo motor attached to the housing; a base having a position sensor; and a linkage assembly between the servo motor and the elevator pin, wherein the servo motor includes a shaft, the linkage assembly includes an arm mounted on the shaft, whereby rotation of the shaft pivots the arm to lift the elevator pin (Emphasis added).

Since Lee does not teach or suggest a servo motor including a shaft and a linkage assembly including an arm mounted on the shaft, whereby the rotation of the shaft pivots the arm to lift the elevator pin, Claim 21 should be allowable. Claims 22-24 are dependent from Claim 21 and should be allowable for the reasons set forth as to Claim 21.

Claims 25-27 have been amended to depend from Claim 2, and should be allowable.

Claim 28 has been amended to recite a memory storage disk handling system, including a housing defining a hopper for holding disks in a stack; an elevator pin mounted on the housing for lifting disks into the hopper; and a plurality of pawls for holding disks, wherein the plurality of pawls slide between a retracted position which enables the elevator pin to lift disks into the stack and an extended position for holding disks, wherein the housing includes a plurality of posts oriented to surround lifted disks, and at least one pawl mounts on each post.

As set forth above, since Lee does not teach or suggest a hopper having a plurality of posts oriented to surround lifted disks, and wherein at least one pawl mounts on each post, Claim 28 should be allowable. Claims 29-32 are dependent from Claim 27 and should be allowable.

Rejections under 35 U.S.C. 103:

Claims 22, 24, and 31 were rejected under 35 U.S.C. §103(a) as being unpatentable over Lee et al. (5,415,519).

For the reasons set forth above as to Claims 21 and 28, Claims 22, 24, and 31 should be allowable.

CONCLUSION

It is respectfully submitted that Claims 2-6 and 10-32 are presently in condition for immediate allowance, and such action is requested. If, however, any matters remain that could be clarified by Examiner's Amendment, the Examiner is cordially invited to contact the undersigned by telephone at the number below.

Respectfully submitted,

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Date: February 4, 2004

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